

## **Final Statement of Reasons**

### **Anadromous Salmonid Protection Rules, 2009**

**[Adopted by BOF on October 7, 2009]**

#### **Title 14 of the California Code of Regulations (14 CCR):**

##### **Amend:**

§ 895	Abbreviations Applicable Throughout the Chapter.
§ 895.1	Definitions.
§ 898	Feasibility Alternatives.
§ 914.8 [934.8, 954.8]	Tractor Road Watercourse Crossing.
§ 916.5 [936.5, 956.5]	Procedure for Determining Watercourse and Lake Protection Zone (WLPZ) Widths and Protective Measures
§ 916 [936, 956]	Intent of Watercourse and Lake Protection.
§ 916.2 [936.2, 956.2]	Protection of the Beneficial Uses of Water and Riparian Functions.
§ 916.9 [936.9, 956.9]	Protection and Restoration in Watersheds with Threatened or Impaired Values.
§ 916.11 [936.11, 956.11]	Effectiveness and Implementation Monitoring.
§ 916.12 [936.12, 956.12]	Section 303(d) Listed Watersheds.
§ 923.3 [943.3, 963.3]	Watercourse Crossings.
§ 923.9 [943.9, 963.9]	Roads and Landings in Watersheds with Threatened or Impaired Values.
§ 916.9.1 [936.9.1]	Protection Measure in Watersheds with Coho Salmon.
§ 923.9.1 [943.9.1]	Measures for Roads and Landings in Watersheds with Coho Salmon.

#### **UPDATED INFORMATION: OVERVIEW OF FINAL ADOPTED REGULATORY ACTION**

On September 9, 2009, the Board adopted regulations for commercial timber harvesting on private land in watersheds where anadromous salmonid (salmon) species are designated as threatened or endangered species under the State or Federal Endangered Species Acts (ESA). The adopted rules are intended to protect, maintain, and improve riparian habitats for listed anadromous salmonid species. The rules adopted are permanent regulations and replace rules (termed Threatened or Impaired Watershed Rules) which were originally adopted in July 2000 and have been in place on an interim basis since that time.

## FINDINGS

- The Board finds that the adopted regulations are based on the consideration of an extensive review and evaluation of applicable scientific literature. The adopted rules are found to be based upon the science literature review and testimony from scientists and technical experts in the fields of watershed processes, riparian functions, and fisheries biology.
- The Board finds that the adopted regulations are based on recommendations by the Department of Fish and Game, the California Department of Forestry and Fire Protection, the State Water Quality Control Board and Regional Boards, and numerous individuals.
- The adopted regulations are found by the Board to be consistent with goals established in the *California Fish and Game Commission, Board of Forestry and Fire Protection, Joint Policy Statement on Pacific Salmon and Anadromous Trout*
- The Board finds that the adopted regulations will maintain and improve aquatic habitat and contribute to restoration of listed anadromous salmonids. This finding is based on the expected effects on the beneficial uses of water, including cold freshwater habitat , spawning, migration and rare and endangered species resulting from the following adopted rules:
  - Goals and objectives are revised to promote achievement of properly functioning salmonid habitat, contribute to recovery of salmonid species and restoration of salmonid habitats; and protect riparian zones from catastrophic wildfires. The adopted goals and objectives are intended to be specific for each watercourse area and beneficial use, but are stated broadly to permit development of site-specific plans based on local conditions. Further, while it is the Board's intent to have timber harvesting plans in these watersheds contribute to the recovery of listed salmonid species, the Board recognizes that contributions to recovery of the species and restoration of habitat cannot fully be accomplished by any one timber harvesting plan or by forest management alone. Any actions beyond the required rules taken solely for restoration cannot be required for harvest plan approval.
  - Greater specificity in geographic scope was achieved by creating regional rules reflecting salmonid species and geomorphic differences. The Board adopted rules that are geographically specific for salmon watersheds in coastal areas, the southern sub district of the forest practice rules which encompasses Marin County to Santa Cruz County, the Northern Forest District where coho species are found which represents the Klamath bioregion, and locations outside of where coho species are found which

represents areas in the Sierra Nevada and south of Monterey County.

The greater geomorphic specificity is also achieved by recognizing unique riparian features such as channel migration zones, flood prone areas, and differentiating small Class II watercourses from large Class II watercourses.

Geographically specific rules were also accomplished by requiring implementation of the fine sediment road related rules in 916.9 (k) through (p) in watersheds upstream from any watershed with listed anadromous species.

- Class I and Class II watercourse WLPZ widths and silvicultural requirements revised to better reflect current science for protecting riparian function. These revisions include establishment of a core zone, increased overstory canopy closure requirements for greater distances on Class I watercourses, and establishing two new watercourse classifications, Class II Large and Class II Standard, with unique tree retention and core zone requirements.
  - New, more protective standards for small, headwater watercourses (Class III watercourses). The standards include establishment of Class III channel zone and Equipment Limitation Zone (ELZ) harvesting restrictions, expansion of operational limitations in the Class III ELZ, retention of hardwoods, advanced regeneration or larger conifer trees, standing dead trees, and down woody debris and logs in Class III channel zones and equipment limitation zones.
  - Allowance for the development of site-specific plans that contain flexibility for landowners to meet goals and objectives while providing appropriate disclosure for regulatory evaluation. The Board finds that it is necessary for successful implementation of site-specific plans to provide additional guidance documents, technical addendums, pilot projects, and collaborative monitoring and adaptive management.
  - Provision of recommended “Preferred Management Practices” that will guide expectations of timber operation conduct to achieve the goals of the rules.
- Adopted regulations for the Southern sub district of the Coast Forest District (SSD), combined with other regulations for the SSD, provide adequate protection and are consistent with the objectives for other rules adopted under this action. Since 1979, very conservative forest management approaches have been used in this region. These include exclusive use of single tree selection silviculture, covering of skid trails with slash, erosion control practices for the highest erosion hazard soils in all situations, avoidance of broadcast burning and site preparation, limitations on maximum forest

opening size, and limitations on periodic harvest levels. The Board finds that these actions, combined with new rules for Class I and Class III watercourses, provide a continuum of watershed protection that contributes to the goals of the adopted regulations. The Board finds adoptions of rules for the SSD are performance-based rules where the performance has been found to be appropriate. The Board finds appropriate performance is present in the southern sub district as demonstrated by monitoring information (such as the information collected by the Central Coast Water Quality Control Board) indicating appropriate water quality conditions after harvest operations under current rules. Further, timber harvesting intensity in the SSD at the timber harvesting plan and watershed scales is less than is generally experienced on other timberlands.

- The Board finds that the adopted regulations reflect due consideration for their effects on timberland owners, listed species and other beneficiaries of water. The rules contribute to maintaining a working landscape, which will provide for continued economic activity and protection of natural resources.
- The Board finds that the adopted regulation will result in economic impacts to some forest landowners. The primary economic impact is related to a likely increase in retention of trees for Class II and III watercourses. By increasing the amount of trees needed to be retained in the watercourse and lake protection zone of Class II and III watercourses pursuant to 14 CCR 916.9 (g) and (h), there is a permanent reduction or delay in receipt of timber harvest revenue to the landowner. Landowners with flood prone areas will also see a significant amount of trees required for retention. For those landowners with flood prone area, this regulation may be a disincentive to rehabilitate understocked areas.

No precise or accurate statewide estimate of actual forgone or delayed receipt of timber harvest revenue to the landowners can be made. The estimated adverse economic impact varies greatly due to:

- landowner's timber management goals;
- extent of any one owner's land-base classified as Class II watercourses or contain flood prone areas;
- the management practices currently used by the landowner;
- the productivity of the timberland within the Class II watercourses;
- the species and quality of the trees that are forgone or delayed from harvesting;
- market fluctuation of timber values;
- decisions of landowners on timing of harvest; and
- extent to which the landowner uses the site specific plan rules adopted in this action in 916.9 (v).

Others factors influence which landowners are economically affected. Landowners likely to be most affected are individuals or smaller companies not having a habitat conservation plan (or similar plan/permit) which excludes them from the adopted regulations. Also, landowners whose lands are located in coastal forests north of Marin County or forests located in the "Klamath

bioregion” west of Redding, California are more greatly affected. These geographic regions contain watersheds that predominantly support listed anadromous salmonid species.

While estimates of adverse economic impacts are variable, information was presented to the Board in public comments that provide several scenarios estimating the forgone or delayed harvesting revenue. One analysis conducted by the DFG on 12 sampled harvest plans indicated that an additional 2.8 % of the sampled THP acres would be impacted by the various no harvest core zones on Class II watercourses and increased canopy retention within the Class II Large inner zone. This means that harvest revenues would be delayed or forgone on an additional 2.8 % of the timberland base affected by these rules to the extent that tree retention under the ASP rules exceeds the retention requirements of existing rules. This impact is offset, to some degree by reduced retention requirements on 2.1% of the timberland base affected by these rules, within the outer 50’ of Class I WLPZ’s.

Another estimate of economic impacts was provided by Campbell Timberland Management in their September 5, 2009 public comment letter. Their analysis evaluated the differences in Class I and Class II watercourse and lake protection zone riparian buffers widths and tree retention standards for 10 THPs sampled on their lands covering 3505 acres. Their results indicated a reduction of approximately \$400,000 in harvest value due to the adopted rules compared to the existing Forest Practice Rules for watersheds with listed salmonids. Their analysis also noted that economic impacts resulting from the adopted rules go beyond harvest reductions within the riparian buffer. Economic impacts could include additional costs for flagging new riparian zone boundaries, delineating Class II Large watercourses and flood prone areas, marking large trees for retention, increased felling costs in Class III equipment limitation zones, and costs associated with implementing “preferred management practices”. Their analysis did not include additional retention required for the core zones, as this analysis was made prior to the adoption of these rules in their final form.

Based upon the testimony and evidence presented to the Board during the development of this rule, the following findings can be made:

- Landowners in the geographic scope of this regulation have made, and continue to make, significant contributions to the State of California by the fact of forgone harvest in riparian areas.
- The current economic conditions, both for the State as whole and the timber industry, make the impacts of any regulation much more apparent. These impacts make economic harvest of a renewable resource much more problematic.

- There are approximately 2,000,000 acres of timberland in the area of the regulation. This does not include HCP acreages, as these are not subject to the regulation.
- In the 2,000,000 acres, approximately 12% of the acreage is in I, II, or III, or 264,000 acres
- Over 3 billion board feet of timber in these riparian areas are subject to regulation. This timber has values between \$500,000,000 and \$1,000,000,000.
- The increases in protection proposed will result in a reduction of value/harvestable volume of approximately 1.4% in unevenaged treatment, and 3.96% for evenaged treatments.
- Yield tax revenues will slightly decline as a result of this regulation.
- The Board finds that the development of site-specific plans is appropriate for the protection and restoration of listed anadromous salmonid species and the beneficial use of water. The Board recognizes that both prescriptive rules and the option for development of site-specific plans are necessary. General prescriptive rules are considered local rules and are needed for those landowners who do not wish to engage in the development of site-specific plans or are unable to obtain the information to make site-specific assessments due to issues of multiple ownerships within a watershed. Site-specific plans are necessary to be consistent with scientific literature findings that suggest protection and restoration of watersheds is best obtained by assessing watershed conditions and identifying needs for the specific location.
- The Board finds that the rule language adopted in 14 CCR 916.9 (v) (1) requiring site-specific plans meet “the expected effects of the prescriptive standards” is intended by the Board to not necessarily require every site-specific action meet or exceed the specifications of a prescriptive standard. It is intended by the Board that the actions approved pursuant to the adopted language for site-specific plans will meet or exceed the expected effects of protecting beneficial uses of water under the prescriptive standard, and could simultaneously have a quantitative characteristic different from the prescriptive standard. These quantitative characteristics could include, but are not limited to, different buffer widths or different overstory canopy closure standards. Site-specific antecedent conditions may influence the quantitative standard to be achieved, e.g. spring-fed streams, boulder-controlled instream structure, and orientation of watercourse relative to solar insolation.
- The Board finds that pilot projects and guidance for landowners who choose to develop site-specific riparian management plans pursuant to the adopted regulation in 14 CCR 916.9 (v) is necessary. By providing landowners the opportunity to develop site-specific riparian management plans, landowners may be able to harvest trees that would have otherwise been retained,

provided that they are determined to be unnecessary for protection, maintenance, or restoration of the beneficial uses of the riparian zone. This would reduce the economic impact of the prescriptive portion of the rules. Moreover, allowing site specific proposals can create an economic incentive for landowners to engage in active management and restoration of these areas, although such an analysis will require a substantial investment by the landowner.

- The Board finds that the adoption of Option 102, modified to include the 1000 feet stream reach length limitation for application of the Class II Large watercourse prescriptions, includes sufficient office and field delineation methods to ensure appropriate classifications of Class II Large watercourses. The Board finds that educational instructions for RPFs and close enforcement monitoring of the results of the delineation methods described in the adopted rules will be necessary to ensure that the appropriate Class II Large watercourses are delineated and receiving the appropriate protection measures.
- The Board finds that the intention of the introductory sentence in 14 CCR 916.9 [936.9, 956.9] “*Requirements of this section precede other sections of the FPRs*” is to convey that all Forest Practice Rules apply to watersheds with listed anadromous salmonids and that the adopted rules in this section are additive to any existing Forest Practice Rules standard. It is further intended that if the adopted rules under this section are in conflict with any other section of the Forest Practice Rules, the requirements in 14 CCR 916.9 [936.9, 956.9] would supersede the requirements elsewhere in the Forest Practice Rules. In no way is this sentence intended to nullify requirements of the existing Forest Practice Rules exclusive of 14 CCR 916.9 [936.9, 956.9]. This rulemaking may result in unintended conflicts with standard rules.
- The Board acknowledges that this rule does not fully address Clean Water Act section 303(d) listed waterbodies, long term monitoring and adaptive management, road construction and maintenance, and cumulative impacts. This rule is primarily intended to address anadromous salmonid protection. The Board, through its mandate, is committed to the continuous review and improvement of forest practices, and will likely address many of these issues in the future. The National Marine Fisheries Service made the following findings for this rule:

*Of those factors found inadequate in the final listing of the NC steelhead DPS 65FR36074, the current Rule Notice addresses those issues associated with site specific variations and non-fishbearing perennial streams and ephemeral streams.*

*The addition of a no cut zone along Class I's and explicit protective measure for floodplains, Class us and Class IIIs are critically important and are a substantial improvement over the current T/I Rules.*

*The new set of Rules would be a step forward and provide a foundation for development of a State Forestry HCP.*

The Department of Fish and Game made the following findings:

*Our common goal has been to use the best available science to further integrate protection of anadromous salmonids listed under the California Endangered Species Act with the Board's regulations, consistent with the Forest Practice Act and the California Environmental Quality Act in a permanent 2009 threatened or impaired watersheds rule, now re-titled "Anadromous Salmonid Protection" rule. We believe the proposed rule package, together with our recommendations, achieves this goal in a way that provides certainty and flexibility to the regulated public through methods and measures that are both implementable and feasible and that recognize regional differences in forest practices.*

- The Board found it was necessary to remove from the proposed regulation amendments to 14 CCR 916.9.2 [936.9.2] and 923.9.2 [943.9.2]. On September 17, 2009, the San Francisco Superior Court (Court), in *Environmental Protection Information Center and Sierra Club vs. California State Board of Forestry and Fire Protection and California Department of Forestry and Fire Protection*, Case NO: CGC-07-469244, struck down sections 916.9.2, 923.9.2, 936.9.2 and 943.9.2 of the California Forest Practice Rules. The Court found that these sections purported to determine minimization and full mitigation of impacts under CESA (Fish & G. Code, § 2081) which exceeded the Board's authority.
- The Board finds that non-substantive and solely grammatical or clerical edits are necessary to correct clerical errors that were found as part of the typing and drafting of the rule plead and to correct grammatical and syntax errors. These corrections are consistent with GC section 11346.8 (c) and do not require any re-notification to the public. The grammatical and clerical edits include, but are not limited to, those listed in the CAL FIRE/DFG joint letter dated September 3, 2009, in the comment letter from Timber Products Company, dated September 3, 2009, the comments contained in the letter from Green Diamond Corporation distributed to the Board at the September 9, 2009 hearing, existing rule language in the preamble to 14 CCR 916.9 and 923.9 referring to watersheds with coho salmon that was inadvertently excluded in the notice, and other corrections listed at the end of the comment responses.

## **ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES**

The Board has considered a wide variety of alternatives to the adopted regulation. Many of the alternatives were documented in the ISOR and subsequent regulatory publications as "Options". The Board considered over 30



options. Upon adoption, the Board selected its preferred options and deleted mutually exclusive options. Refer to the ISOR and amended proposed regulatory notice published on July 24, 2009, for description and analysis for selection or rejection of these alternatives. Below are samples of the considered alternatives:

1. Not include amendments for Class I watercourses.

This alternative was rejected as it would not address protection of the beneficial uses of water and riparian functions. It would also not contribute to restoration of habitat, recovery of the species or consistency with Public Resource Code 4513.

2. Using only site specific standards for Class I watercourses with flood prone areas.

This alternative was rejected because it would impose a relatively costly and intensive set of regulations for establishing Class I WLPZs in FPAs. It would also not provide a set of regulations that are convenient for small landowners, who may not have the financial or technical expertise.

3. Consider different “regional” rules specific to the various bioregions within the scope of the rules.

This alternative was rejected because science information did not provide robust details on appropriate distinct geographical bioregions and the associated prescriptive standards that should be assigned to them.

4. Establish the WLPZ width to a distance of “one site tree”.

While often mentioned in scientific literature as an adequate buffer that supports all riparian functions, this alternative was rejected because the proposed buffer widths and characteristics were substantiated in science literature for addressing protection of the beneficial uses of water and riparian functions in Class I watercourses.

## **POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS**

The Board analyzed the potential individual and cumulative environmental effects and significant adverse environmental effects resulting from adoption of the Anadromous Salmonid Protection Rules. The Board determined that the regulation does not have adverse impacts that are individually or cumulatively considerable. The Board finds that there are no significant adverse cumulative watershed effects. This finding is based on three considerations.

First, the California Environmental Quality Act (CEQA) in 14 CCR section 15130 requires that cumulative impacts on the environment be disclosed. Likewise, the Forest Practice Rules (FPRs) 14 CCR section 912.9[932.9, 952.9] require cumulative impact disclosure in timber harvest plans, and that plans incorporate

feasible alternatives and mitigation measures to substantially reduce or avoid the adverse effects of the plan on the environment. The FPRs require the Registered Professional Forester (RPF) to complete a cumulative impacts assessment checklist set forth in the FPR Technical Rule Addendum No. 2, Appendix. Under 14 CCR section 898, CALFIRE is also required to supplement the information provided by the RPF and the plan submitter when necessary to ensure all relevant information is considered. Timber harvest plans located in watersheds with listed salmonids and meeting the geographic scope of the Anadromous Salmonid Protection (ASP) rules will also have to comply with the CEQA and FPR requirements for cumulative impacts analysis and disclosure, and the requirement to substantially reduce or avoid adverse effects, including adverse cumulative effects of the proposed harvest and operations. The ASP rules do not substitute for this requirement.

Secondly, the proposed rules are designed to make positive cumulative improvements to riparian areas and their beneficial functions for creating and maintaining salmonid habitat in watersheds hosting listed anadromous salmonids. The proposed Anadromous Salmonid Protection Rules approved by the Board are intended to address the legacy cumulative impacts and improve the future condition of riparian areas and salmonid habitat in these watersheds. Potential cumulative impacts on forest conditions include loss of pool forming large woody debris in spawning and rearing channels; loss of riparian canopy cover that moderates water temperatures and provides nutrients and food; loss of large late seral forest trees from which large wood is recruited; and, loss of riparian hardwoods, bank and channel trees, and trees on slopes which has accelerated erosion of sediments into streams. The proposed rules explicitly require measures that reduce or eliminate each of these negative impacts on riparian areas and taken together will cumulatively improve salmonid habitat. The measures include:

- Prohibitions on harvesting trees from the Core Zone of Class I and II watercourse and lake protection zones, except to restore salmonid habitat, which will result in temperature moderating tree canopy, large trees for recruitment into streams to form instream habitat, nutrients and food, and bank stability and erosion control;
- Increased tree overstory canopy retention standards across a greater width of the riparian buffer strip;
- Requirements for large tree retention and canopy cover in the Inner Zone of Class I and II WLPZs, which will provide the additional needed bank of large trees and canopy cover;
- Requirements for large tree retention and canopy cover in the Flood Prone Area, which will provide large wood, overflow channel habitat for fish, shade, and nutrients to overflowing or shifting stream channels that fish may utilize;

- Requirements for canopy and silvicultural treatment limitations in the Outer Zone of Class I watercourses which will buffer and moderate terrestrial habitat in riparian zones nearest the stream, facilitating recovery of their beneficial functions, and provide for terrestrial wildlife habitat;
- Expanded buffer width and tree retention in Class II “large” watercourses which are most near the fish bearing Class I watercourse;
- Requirements for tree retention and equipment limitation zones on Class III watercourses which will ensure sediment is retained in these upslope tributaries;
- Development of “Preferred Management Practices” for the Registered Professional Forester to consider on use of best operational practices to ensure maintenance, protection and contribution towards restoration of riparian habitat;
- Establishment of improvement goals for timber harvest plans operating in riparian areas and requirements to analyze and disclose how plans maintain, protect and contribute to restoration of the beneficial uses of the riparian zone;
- Development of site - specific plans that contain flexibility for landowners to meet the goals and objectives of the anadromous salmonid protection rules and provide for unique solutions to address watershed specific restoration needs such as flood prone area management plans and actions for reducing fire hazards in high-risk wildfire areas.

These requirements will result in no or limited harvesting where baseline canopy or tree retention standards specified in the rule do not exist, allowing regrowth of appropriate canopy and size trees in the riparian zone able to provide for the creation and maintenance of salmonid habitat. Implementation of the proposed rules will contribute to restoring or improving the riparian functions identified in the Board’s literature review so that riparian areas and the watershed can create and maintain functioning salmonid habitat. See the Board’s Initial Statement of Reasons (2009) for additional information regarding WLPZ operational requirements and their basis.

Thirdly, timber harvest operations, and the potential to produce additional cumulative impacts from construction and use of roads, improperly designed road watercourse crossings, and the harvest of trees from steep or unstable slopes, have been identified as the most frequent forest management legacy issues affecting properly function salmonid habitat. The existing rules that address protection related to these issues are considerable and have been found in previous rulemaking actions to not result in potential significant adverse environmental effects. The Board will continuously review these issues and continue to apply its rules and requirements for cumulative effects disclosure and mitigation.

The cumulative impacts analysis has reviewed potential future impacts of the adopted regulation in consideration with other impacts. Cumulative actions include level of future timber harvest, climate change, and land conversion.

The area of affected watershed under this adopted regulation is approximately 2 million acres of private conifer timberland, primarily in coastal California. The extent of timber harvesting over the last ten years in the affected watersheds has been about 50,000 acres per year of varying silviculture types and harvesting intensities. Much of the area mentioned above is managed under Habitat Conservation Plans, and will not be subject to these regulations. These areas already receive higher protection than the proposed rules. The levels of harvest over the last ten years in the areas affected has shown no indication of increasing rates and the adopted regulations are expected to improve riparian conditions associated with these projects.

Climate change is predicted to profoundly change California's natural environment and will affect anadromous salmonids found here. Environmental changes from climate change have the potential to cumulatively affect native fishes by increasing water temperatures, reducing stream flows, changing snowmelt runoff patterns, causing vegetation composition changes, and increasing the likelihood of drought-related fires. The adopted rules may contribute mitigations for some of these affects such as water temperature, stream flow, and fires (when actions are taken to reduce fuel hazards).

Land conversions from managed forest lands to residential and agricultural uses are expected to continue in the watersheds adopted in the regulation. Actions which permanently remove forest cover will not contribute to improving watershed conditions. There is no estimate of the expected acreages of forest land in this area that will be converted to other uses. Estimates of commercial timberland conversion have been documented to average five thousand acres a year across the entire 8 million acres private commercial timberland area across the state. The additional protection measures described in these regulations are expected to be important mitigating factors to future land conversion, as they will provide the greatest ecological integrity for salmonid habitats in watersheds with mixed land uses. However, it is also noted that under current economic conditions, additional regulation may increase the likelihood that landowners will be compelled to convert forestland to a more viable enterprise.

## **ALTERNATIVES CONSIDERED TO THE PROPOSED REGULATORY ACTION THAT WOULD BE AS EFFECTIVE AND LESS BURDENSOME TO AFFECTED PRIVATE PERSONS**

Pursuant to GC section 11346.9(a)(4), the Board has determined that no other alternative it considered would be both more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS**

The Board staff estimated that this regulation will have statewide (but geographically specific to the scope of the adopted rules) adverse economic impacts directly affecting business. The level of significance of these impacts varies depending on the circumstances as disclosed in the Findings of this document.

## **ADDITIONAL RELEVANT DOCUMENTS RELIED UPON**

The following are additional documents were provided for the Board's consideration during the rulemaking process to supplement previous information submitted to the Board and referenced in the *Initial Statement of Reasons*:

None.

## **DISCLOSURES REGARDING THE PROPOSED ACTION**

The Board has determined the proposed action will have the following effects:

- Mandate on local agencies and school districts: None
- Costs or savings to any State agency: None
- Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500: None
- Other non-discretionary cost or savings imposed upon local agencies: None
- Cost or savings in federal funding to the State: None
- The Board has made a determination that there will be statewide (but geographically specific to the scope of the adopted rules) adverse economic impacts directly affecting business, including the ability of California businesses to compete with businesses in other states. The level of significance of these impacts varies depending on the circumstances as disclosed in the Findings of this document.
- Cost impacts on representative private persons or businesses: The Board is aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The level of significance of these impacts varies depending on the circumstances as disclosed in the Findings of this document.
- Significant effect on housing costs: None
- Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California.

- Effect on small business: Some. The Board has determined that the proposed amendments will affect small business.
- The proposed rules do not conflict with, or duplicate Federal regulations.

#### **PURSUANT TO GOVERNMENT CODE § 11346.2(B)(5)**

In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Statement of Reasons*; the Board has directed the staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

#### **SUMMARY OF LAWS RELATING TO THE REGULATION**

The Z'berg - Nejedly Forest Practice Act of 1973 (ref. Division 4, Chapter 8 of the Public Resources Code) establishes the State's interest in the use, restoration, and protection of the forest resources. In this Act, Legislature stated its intent to create and maintain an effective and complete system of regulation for all timberlands. Public Resources Code Sections 4512, 4513 and 4551, gives the Board the authority to adopt such rules and regulations necessary to assure continuous growing and harvesting of commercial forest tree species; and to protect the soil, air, fish, wildlife and water resources.

#### **SEE FSOR ADDENDUM FOR PUBLIC COMMENTS AND RESPONSES**